

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 2:12-cv-13320
Honorable George Caram Steeh
Magistrate Judge Laurie J. Michelson

TWENTY TWO THOUSAND FIVE
HUNDRED SEVENTY-SEVEN DOLLARS
(\$22,577.00) IN UNITED STATES CURRENCY,

Defendant *in Rem.*

/

STIPULATED CONSENT JUDGMENT AND FINAL ORDER OF FORFEITURE

NOW COMES the Plaintiff, the UNITED STATES OF AMERICA, (hereinafter the "United States" or the "Government"), by and through its counsel, BARBARA L. McQUADE, United States Attorney, and JONATHAN J.C. GREY, Assistant United States Attorney, and Claimant, TAUREAN COLE, ("Claimant") by and through his attorney, MARTIN J. MCMANUS, and enter into this Stipulated Consent Judgment and Final Order of Forfeiture, as evidenced by the signatures below, under the terms and conditions hereinafter set forth:

WHEREAS, a Complaint for Forfeiture ("Complaint") in this matter was filed on July 27, 2012, by the United States alleging that Twenty-Two Thousand Five Hundred Seventy-Seven Dollars (\$22,577.00) in U.S. currency (hereafter the "Defendant Currency") was subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6);

WHEREAS, Claimant Taurean Cole timely filed an answer in response to the Complaint for Forfeiture on September 4, 2012; and a verified claim to the Defendant Currency was filed by Taurean

Cole on September 24, 2012;

WHEREAS, no other interested parties filed a verified claim as to the Defendant Currency;

WHEREAS, notice of publication has been completed in this case;

WHEREAS, the parties are aware of their respective rights in this matter and wish to resolve this matter without further litigation and expense.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. This action is a civil *in rem* forfeiture action brought pursuant to 21 U.S.C. § 881(a)(6).
2. The Court has jurisdiction and venue over this matter pursuant to 28 U.S.C. §§ 1345 and 1335(b)(1)(A).
3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b)(2) as a substantial part of the events giving rise to the Government's claims occurred in the Eastern District of Michigan. Venue is also proper before this Court pursuant to 28 U.S.C. § 1395(b), as the Defendant Currency was found and seized in the Eastern District of Michigan.
4. The allegations of the Complaint are well taken, the United States and its agents had reasonable cause for the seizure of the Defendant Currency, the position of the United States in this action is and has been substantially justified as set forth in 28 U.S.C. § 2412, and Claimants shall not claim or seek any fees or costs, including attorney's fees, in connection with this matter, whether under the Civil Asset Forfeiture Reform Act of 2000, the Equal Access to Justice Act, any other statute, rule or regulation, or otherwise.
5. Thirteen Thousand Five Hundred Dollars (\$13,500.00) in U.S. currency of the Defendant \$22,577.00 will **NOT BE FORFEITED** but will be **RETURNED** to Claimant Taurean Cole under the terms and conditions herein stated. The disbursement of the funds

(\$13,500.00) will be through the Electronic Payment System. Claimant will provide his social security number, and his attorney, MARTIN J. MCMANUS, will supply the Automated Clearing House (“ACH”) information for electronic fund transfer to the Government. Funds will only be disbursed after receiving Claimant Cole’s social security number and the ACH information for electronic deposit of the funds into the IOLTA account designated by MARTIN J. MCMANUS. After this Stipulated Consent Judgment and Final Order of Forfeiture is entered by the Court, the Government will authorize the United States Marshals Service (“USMS”) for the Eastern District of Michigan or its delegate to return \$13,500.00 of the Defendant \$22,577.00, less any debt owed to the United States, any agency of the United States, or any other debt in which the United States is authorized to collect from Claimant Cole, including, but not limited to any debts authorized to be collected through the Treasury Offset Program.

6. The remaining Nine Thousand Seventy-Seven Dollars (\$9,077.00) of the Defendant \$22,577.00, plus any interest accrued on the Defendant \$22,577.00 since the date of seizure, shall be **FORFEITED** to the United States pursuant to 21 U.S.C. § 881(a)(6). Further, any right, title or interest of Claimant and/or his successors and assigns in the remaining \$9,077.00, and any interest on the Defendant \$22,577.00, is hereby and forever **EXTINGUISHED**, and clear title and all interest in the remaining \$9,077.00 and any interest accrued on the Defendant \$22,577.00 shall hereby be **VESTED** in the United States, and the United States Marshal Service, or its delegate is **AUTHORIZED** to dispose of the Defendant \$22,577.00 and any interest accrued on the Defendant \$22,577.00 according to law.

7. Claimant Cole hereby withdraws his claim to \$9,077.00 of the Defendant \$22,577.00 plus any interest accrued on the entire Defendant \$22,577.00 since the date of seizure.
8. Upon signing below, Claimant Cole releases, remises and forever discharges the Government and its agents, officers, employees, past and present, and all other persons, including but not limited to the Drug Enforcement Administration, any individual local law enforcement officers or departments or agencies, and any other persons who participated in or assisted in any aspect of this forfeiture action and underlying investigation, from all claims or causes of action which Claimant Cole, and/or his assignees, agents, officers, employees and/or successors in interest had, now have or may have against the Government and its agents, officers, employees, past and present, and all other persons, for or on account of the incidents or circumstances giving rise to the above-captioned action.
9. Entry into this Stipulated Consent Judgment and Final Order of Forfeiture does not constitute an admission by Claimant Cole of any criminal or civil wrongdoing.
10. Claimant Cole has discussed this settlement with his counsel and is aware of his rights in this matter. The parties shall bear their own costs and attorney fees in this matter.

(Signatures on the following page)

WHEREFORE, the parties stipulate to entry of this Stipulated Consent Judgment and Final Order of Forfeiture.

Agreed as to form and substance:

BARBARA L. McQUADE
United States Attorney

S/ JONATHAN J.C. GREY
JONATHAN J.C. GREY
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9100
Jonathan.grey@usdoj.gov
(Illinois Bar No. 6292918)

Dated: February 22, 2013

S/ MARTIN J. MC MANUS (with consent)
MARTIN J. MC MANUS
Attorney for Claimant Taurean Cole
709 Madison Avenue, Suite 303
Toledo, OH 43604
(419) 242-1225
mcmanuslaw@sbcglobal.net
(P41543)

Dated: February 22, 2013

S/ (SEE ATTACHED SIGNATURE PAGE)
TAUREAN COLE
Claimant

Dated: February 22, 2013

CONSENT JUDGMENT AND FINAL ORDER OF FORFEITURE

IT IS SO ORDERED.

Dated: February 25, 2013

s/George Caram Steeh
HONORABLE GEORGE CARAM STEEH
United States District Court Judge

WHEREFORE, the parties stipulate to entry of this Stipulated Consent Judgment and Final Order of Forfeiture.

Agreed as to form and substance:

BARBARA L. McQUADE
United States Attorney

Jonathan Grey
JONATHAN J.C. GREY
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9100
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(Illinois Bar No. 6292918)

Dated: February 22, 2013

Martin J. McManus
MARTIN J. McMANUS
Attorney for Claimant Taurean Cole
709 Madison Avenue, Suite 303
Toledo, OH 43604
(419) 242-1225
mcmanuslaw@sbcglobal.net
(P41543)

Dated: February 22, 2013

Taurean Cole
TAUREAN COLE
Claimant

Dated: February 22, 2013

CONSENT JUDGMENT AND FINAL ORDER OF FORFEITURE

IT IS SO ORDERED.

Dated: _____

HONORABLE GEORGE CARAM STEEH
United States District Court Judge